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These Remarks are in reply to the Office Action mailed January 24, 2007. Claims 2-21 and 23-39 have been amended, and no claims have been added or canceled, such that claims 1-39 remain pending. All claims are provided above for the Examiner's convenience.

Restriction Requirement

Applicant notes that the Restriction Requirement of April 24, 2006 has been withdrawn. The Examiner is thanked for the favorable reconsideration of that requirement.

Claim Objections

Claims 2-21 and 23-38 were objected to for the inclusion of informalities. These claims have been amended to overcome these informalities, and reconsideration of these claims is respectfully requested.

Rejection under 35 U.S.C. § 102

Claims 1, 2, 4, 10, 14, 16-18, 22-25 and 27-30 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,532,136 to Bae et al. (hereinafter "Bae").

Claim 1 requires steps of "magnetically aligning said upper voice coil motor magnet with said lower voice coil motor magnet during [a] suspending step" and "supporting said upper voice coil motor magnet above said lower voice coil motor magnet after said magnetically aligning step." As an initial observation, it is noted that Bae discloses no method steps whatsoever, much less those critical assembly steps identified above. Bae discloses only structure. While the Office has chosen to infer that Bae's device is assembled according to some of the claimed method steps, there is in fact no evidence whatsoever that this is true. At the very least, it is clear that Bae cannot reasonably be relied upon as an anticipatory reference in that it does not disclose any of the claimed method steps.

The Office baldly alleges on page 3 of the Office action that Bae discloses all of the required steps, including "suspending" the upper voice coil magnet, "aligning" it with the lower voice coil magnet and "supporting" it as well. Conveniently, the Office has neglected to identify where these steps are actually disclosed by Bae. The Office points to FIG. 4 and the text spanning col. 4, line 45 through col. 5, line 66 as providing support for these allegations, but careful examination of these portion of the Bae patent in fact reveal absolutely nothing about the steps taken in manufacturing Bae's device.

Critically, the "alignment" step is completely absent from Bae. The Office points to FIG. 4 as describing this process, but that figure supports nothing more than the basic proposition that flux paths between upper and lower magnets extend generally between them. Even more critically, Bae makes no mention of first aligning the upper magnet and only then, once alignment is achieved, supporting the magnet separately from the alignment and suspension steps.

For these reasons, withdrawal of the rejection of claim 1 and allowance thereof are respectfully requested.

Claims 2, 4, 10, 14 and 16-18 depend from claim 1 and are allowable for at least this reason.

Claim 22 requires a step of "moving an upper voice coil motor magnet to a first orientation relative to said lower voice coil motor magnet using a magnetic field between said upper voice coil motor magnet and said lower voice coil motor magnet, wherein said upper voice coil motor magnet and said lower voice coil motor magnet are maintained in parallel relation during said moving step." Again, Bae does not disclose any method steps whatsoever, much less this one. But more specifically, Bae discloses nothing about moving the first magnet "using a magnetic field" between the first and second magnets. And clearly Bae makes no mention whatsoever as to the magnets being "maintained in parallel relation during said moving step" as also required by the claim. As such, it is clear that Bae cannot reasonably be relied upon as an anticipatory reference since it does not disclose each and every claimed element.

For these reasons, withdrawal of the rejection of claim 22 and allowance thereof are respectfully requested.

Claims 23-25 and 27-30 depend from claim 22 and are allowable for at least this reason.

Allowable Subject Matter

The Examiner is thanked for the indication that claims 3, 5-9, 11-13, 15, 19-21, 26 and 31-39 include allowable subject matter. Because it is believed that all claims are currently allowable, Applicant has not amended the claims in accordance with the Examiner's suggestion.

Conclusion

For these reasons, Applicant respectfully asserts that present claims particularly point out and distinctly claim the subject matter which is regarded as the invention. In addition, the present invention as claimed is not taught by the prior art of record or any combination thereof. Therefore, it is respectfully submitted that the pending claims are in condition for allowance, and favorable action with respect to the present application is respectfully requested.

If the Examiner is not satisfied, but minor changes would apparently put the present case in condition for allowance, the Examiner is invited to telephone the undersigned.

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Date

Respectfully submitted,



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